HONOURABLE MS. JUSTICE G.ROHINI.

WRIT PETITION No.24100 OF 1998

Dated 15-03-2007

Between:

B.Kanthamma wife of Kamalakar Naidu, aged 40 years, and others. (All are residents of Madanapalli village and Mandal, Chittoor District)

...Petitioners.

And:

The Forest Range Officer, Punganur, Chittoor District and another.

...Respondents.

ORDER:

This writ petition is filed seeking a declaration that the alleged action of the 1st respondent-Forest Range Officer, Punganur, Chittoor District in interfering with the possession and enjoyment of the land belonging to the writ petitioners situated in Survey Nos.787/1, 790/1, 789/2, 789/1, 790/2, 788/1, 791/2 and 788/2 of Chandramakulapalli village, Punganur Mandal, Chittoor District, as arbitrary and illegal.

It is claimed that the petitioners herein, who are 8 in number, were granted D.Form pattas in respect of different extents of land in the above survey numbers and that they have been in continuous possession and enjoyment of the same.

This Court while directing Rule nisi on 28-08-1998, granted interim direction to the 1st respondent not to interfere with the petitioners' possession in respect of the land in question. The said order continued in force throughout.

Though no counter-affidavit is filed on behalf of the respondents, the learned Government Pleader for the respondents under instructions submitted that the land in question forms part of the forest land.

Even assuming that it is a forest land, having regard to the fact that the petitioners have been in continuous possession and enjoyment of the property in question under valid pattas granted in their favour, they can not be dispossessed forcibly but the respondents are bound to follow the due process prescribed under law.

Accordingly, the writ petition is disposed of with a direction

to the respondents not to interfere with the possession and enjoyment of the petitioners without following due process of law.

No costs.

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Justice G.ROHINI

Dated 15-03-2007

Dvs

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